

LORD REDESDALE

AND THE

NEW RAILWAYS.

CORRESPONDENCE

*Redesdale, John Thomas Freeman Mitford, earl and
France, R. S.*
BETWEEN

HIS LORDSHIP AND MR. FRANCE.

“He that is first in his own cause seemeth just, but his neighbour cometh
and searcheth him”

FROM A VERY OLD BOOK.

LONDON :

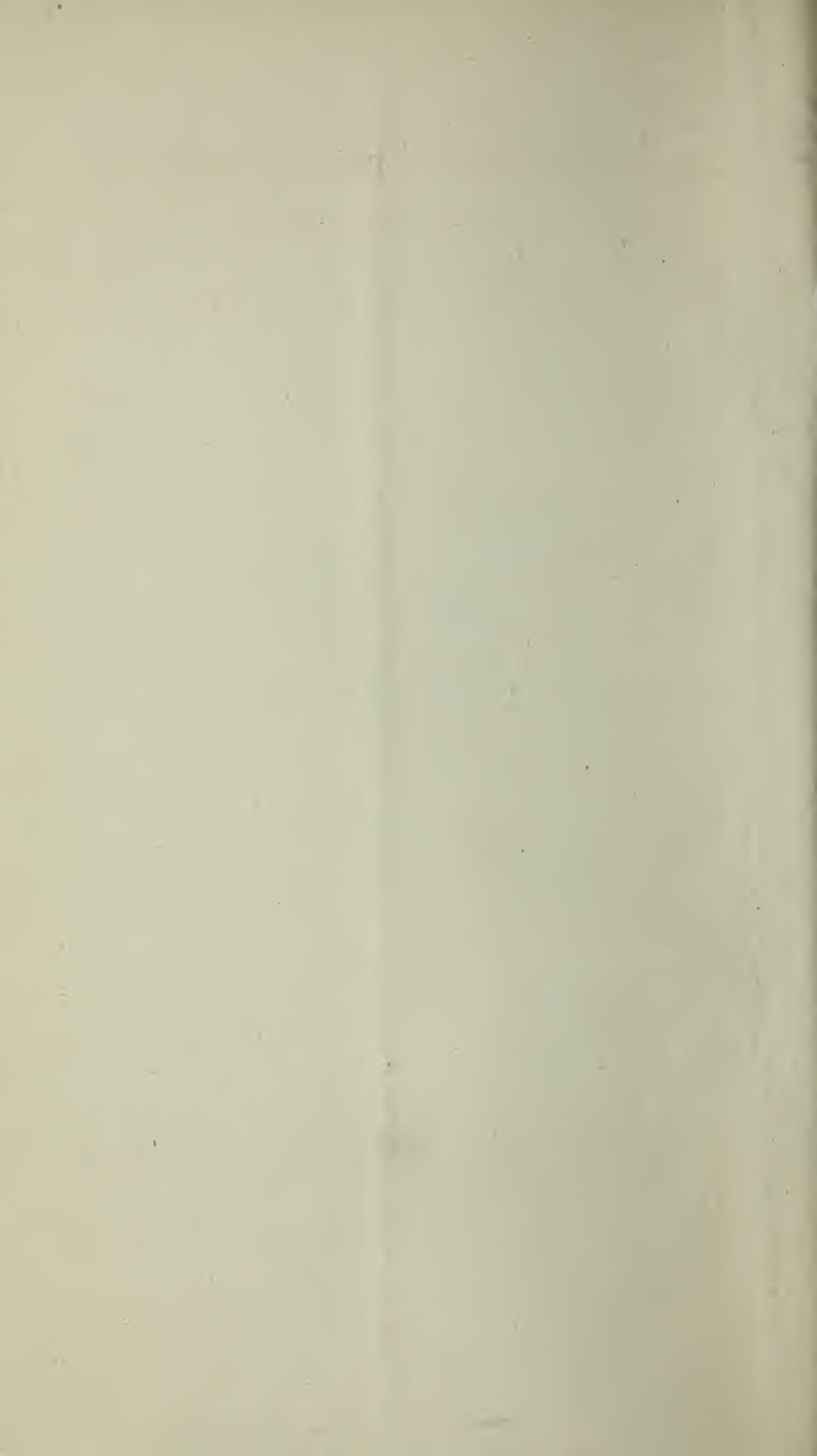
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CORRESPONDENCE BETWEEN LORD REDESDALE AND MR. FRANCE.

"PRIVILEGE."

"LORD REDESDALE craved the attention of their Lordships to a matter personal to himself, which, however, he should not have brought before them had it not involved a question of privilege. He had received a pamphlet written by Mr. France, a railway contractor, which not only canvassed his opinions, but also made some reflections upon him as Chairman of Committees. He had no objection to having his opinions canvassed by any one, but Mr. France went further, and boldly stated that he would deal with the noble Lord in his judicial capacity. Remarking that he was the contractor of the Mold and Denbigh Railway, he charged the noble Lord with having come to an unwarrantable decision with reference to a Bill in which that railway was concerned, and with having inserted a clause in another Bill relating to the same railway. The noble Lord was unable to understand how Mr. France could have confused matters as he had done, but it was much to be regretted that the circumstantial nature of his pamphlet gave it all the appearance of truth, while, as a matter of fact, it was false from beginning to end. In conclusion, the noble Lord said he intended to draw Mr. France's attention to the matter by letter, and leave him to take what course he pleased; but unless he received from him a complete retraction of all the charges he had made against him, he should think it his duty, in the course of next week, to ask their Lordships to order Mr. France to the bar of the House."—*Times*, Feb. 9, 1867.

PARK PLACE,
February 8th, 1867.

SIR,

I call your attention to the statement made by me this evening in the House of Lords, on the charges brought by you against me by you in the pamphlet which you sent to me, in regard to a clause introduced by me into a Mold and Denbigh Junction Railway Bill.

I leave it to you to determine what course it is your duty to pursue in this matter, and on that must depend what mine must be. My address, to-morrow and Monday, and perhaps Tuesday, will be Batsford

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Park, Moreton-in-Marsh. I send a duplicate of this to Monkland Hall.

I am, Sir,

Your obedient Servant,

REDESDALE.

To R. S. FRANCE, Esq.

GRESHAM CLUB,

11th Feb., 1867.

MY LORD,

I found your Lordship's letter here on Saturday morning, and, but for an engagement I had in Kent, my reply would have reached you at Batsford Park yesterday. I forward a copy of this to Park Place, in the event of your Lordship returning to town to-night.

Your Lordship calls my attention to a statement you made in the House of Lords on Friday evening, and you say you leave it to me to determine what course I shall pursue. Your Lordship's letter, however, contains no enclosure, and I therefore assume that you wish to refer me to the newspapers for a report of what you stated. I have so referred, and out of five morning papers now before me, I regret to state that scarcely any two agree in their report of what your Lordship might have said. The *Times*' report is of the greatest length, and that report also attributes to your Lordship language much stronger than I can find in any of the others. From speaking in public myself, I have found the reporters for the *Times* are singularly accurate in their shorthand notes on special occasions. Taking, therefore, the *Times*' report, I find your Lordship to have said that you were "*unable to understand how Mr. France could have confused matters as he had done, but it was to be regretted that the circumstantial nature of his pamphlet gave it all the appearance of truth, while, as a matter of fact, it was false from beginning to end.*"

Endeavoring to write as calmly as possible under such a statement, I will only say, my Lord, that *that* was very strong language; it was used by your Lordship in a place where even, had I been present, my mouth was closed. I am aware, my Lord, that an unsupported assertion like that contains no proof that my statements were false; but unfortunately, unless your Lordship gives me consent, it would not be honorable in me to publish this correspondence until the issue is determined, and I must therefore be content for a few days to be silent under so grievous a charge as that which has been circulated by the first paper in the world.

According to the *Times*, your Lordship concedes to the public a general right to canvass your opinions, and I therefore need not further refer to that, nor to the circumstances under which your Lordship stepped into the arena of ordinary controversy.

Your Lordship states that I have confused matters. My Lord, I am not confused; and I am perfectly aware of the circumstances under which your Lordship inserted that clause in our Bill; and I might, with entire truth, have stated the case much stronger as affecting your Lordship than I chose to state it in my pamphlet.

I perceive your Lordship concludes by saying, that unless you receive from me a "*complete retractation*," you will ask their Lordships to order me to the Bar of the House. My Lord, I have every desire to pay the utmost possible respect to your Lordship's House and to your Lordship; but I am not in the habit of making statements without being able to substantiate them, and I have therefore the honour of informing your Lordship that I have nothing to retract.

I have the honor to remain,

My Lord,

Your Lordship's most obedient Servant,

R. S. FRANCE.

TO THE RIGHT HONORABLE

LORD REDESDALE.

BATSFORD PARK,
 MORETON-IN-MARSH,
February 12th, 1867.

SIR,

I had no time to enter into particulars in my letter to you on Friday, and the Reports are certainly too incorrect to supply you with the reasons I gave for my statement. I have no wish to suppose that what you state in your pamphlet was purposely untrue, but the facts there given are so, and very circumstantial. I presume you refer to the Mold and Denbigh Extension Bill of last Session; and you say that "The London and North-Western opposed in the House of Lords, but after our case had proceeded some length Mr. Merewether, on behalf of that Company, said he was instructed to withdraw from all further opposition. Our preamble was accordingly taken as proved, and I believe the Bill was in the ordinary manner remitted to your Lordship to formally report its proof to the House." The whole of this is incorrect. The opposition of the North-Western was withdrawn before the Bill came before the Select Committee, on an understanding, I presume, between the Companies that there were to be protecting clauses. The North-Western consequently had not proceeded some length, as stated by you, and Mr. Merewether never appeared at all before the Committee. There was an opposition from other parties who were heard, and consequently the Bill continued an opposed Bill, and was never referred to me as unopposed. In the preceding Session your Mold and Denbigh Extensions Bill had been so referred to me, and I supposed that you might have *confused* the proceedings in these two cases. The clauses proposed by the North-Western were submitted to me only to see whether they were objectionable in principle, *for as the Bill was not committed to me I could not deal with them as between contending parties.* If I heard what both had to say it was only to see if I had a chance of bringing

them to an understanding. The North-Western would have had equal cause to object to my interference had I said that the clause should not be inserted, as you, to my non-interference in refusing to strike it out. I had no right or authority to do either. It is incorrect to say that I inserted the clause ; it was inserted in the Committee, to whom the Bill was referred, and reported by the Chairman, Lord Hardinge, to the House, and not by me. You may have been misinformed as to the course which I pursued, or misunderstood it, but I could not act otherwise in the matter than I did. I may add that what I have here stated as to the proceedings on the Bill are taken from the Committee book and the Journal of the House, and that I do not give them from recollection only.

I am, Sir,

Your obedient Servant,
REDESDALE.

R. S. FRANCE, ESQ.

Direct your reply to me here if you write tomorrow.

GRESHAM CLUB,
13th Feb., 1867.

MY LORD,

I am favored with your Lordship's letter of yesterday addressed to me here. As I am quite sure your Lordship would not intentionally make any error in an explanation, I need only call your attention to the facts as they really stand. I cannot do this better than by enclosing to your Lordship (which I do by this post) the Act of Parliament in its several stages. In confirmation of what I stated as to the hostile clause being inserted by your Lordship after the London and North-Western had, through Mr. Merewether, stated that they withdrew from any further

opposition, I also beg to enclose extracts from the bills of costs of our Solicitors and Parliamentary Agents. These will, at once, convince your Lordship that, although you refer to one of our Bills of the Session of 1865, yet you have, in some way, been misled in your reference.

We had no Bill in last Session which in any way dealt with this case, for the reason stated in my pamphlet, viz., that, as I found the hostile clause placed us completely at the mercy of the great Company, I tried what I could do by negotiation up to the middle of December, and by which time, as your Lordship is of course aware, it was too late to comply with those orders of both Houses which require the customary November notices and deposit of plans.

Therefore, as your Lordship's letter of yesterday refers almost exclusively to another Bill and another Committee, I trust your Lordship will not consider me wanting in courtesy if I say it is written under an entire misconception of the facts; and this has probably arisen from the clerks making incorrect entries in the journal of the House, as alluded to by your Lordship.

I have the honor to remain,

My Lord,

Your Lordship's most obedient Servant,

R. S. FRANCE.

THE RIGHT HONORABLE

LORD REDESDALE.

GRESHAM CLUB,

14th Feb., 1867.

MY LORD,

In my letter of yesterday I unfortunately omitted one point, viz., the very strong language which the *Times* attributes to your Lordship. As I stated before, I had for some time regarded the

reporters for that paper as being singularly accurate. In this case, however, I am bound to admit that no other morning paper I have seen reports your Lordship in anything like the strong language appearing in the *Times*. Therefore, as your Lordship says the newspaper reports are "*incorrect*," I do trust that the *most* incorrect portion is that attributing to your Lordship language which I would fain believe you did not use. The reporter for the *Times* may be in error in transcription from his shorthand notes; and as this is a point so seriously affecting my character, I do trust your Lordship will inform me if under the term *incorrect* you include the quotation I gave in my letter of the 11th inst.

I have the honor to remain,

My Lord,

Your Lordship's most obedient Servant,

R. S. FRANCE.

THE RIGHT HONORABLE

LORD REDESDALE.

BATSFORD PARK,

MORETON-IN-MARSH,

February 14th, 1867.

SIR,

I am obliged to you for your letter, which, by explaining that the Bill you referred to was not the Mold and Denbigh Bill of last session, frees you from the most important charge of inaccurate statement which I brought against you: namely, that I had, on my own responsibility, inserted an opponent's clause in a Bill which had been passed by a select Committee. I could not suppose that you alluded to any other Bill when you said that the preamble had been proved before such Committee, although the North-

Western opposition had been withdrawn, and I was further confirmed in that opinion by finding amendments, protective of the lands of the North-Western, introduced into the House of Lords.

The preamble of the Bill of 1865 was not proved before the Select Committee, and it came before me as an ordinary unopposed Bill, which I amend, if I see reason for so doing.

If I was not free to exercise such discretion, it might just as well not be committed at all.

I do not pretend to be infallible and to be always right, but I endeavour to act justly in regard to all interests, public and private, and I believe that in the long course of years during which I have discharged the duties of my important office, I have performed them faithfully, and to the satisfaction of the House and the public.

You will readily believe that it is impossible for me to recollect the particulars of each of the hundreds of Bills I had before me two years ago, and I must answer your charges on your own statement.

You say that the clause "prohibited you from taking "any of the land of the Vale of Clwyd Company, "except by consent." This is inaccurate, for you omit the important words "except for the purposes of the "Junctions of the Railways No. 2 and 3," that is, at or near the stations of Denbigh and Trefnant. In desiring to obtain more lands from the North-Western you appear to have had two objects. First at the Denbigh Station, for station purposes. If you desired to take the lands there occupied or about to be occupied by that Company for similar purposes, and which you state are now considered by them only sufficient for their own wants, it was desirable on public grounds that you should not take those lands, but acquire others. If you intended thereby to compel them to admit you to the use of their station, you ought to have had a clause directly to that effect, with the usual conditions. Secondly, you apparently complain

that in approaching the Junction you were prevented from using their embankment for nearly a mile to assist you in the construction of your line, and you mention at the same time that theirs is only a single line, which your invasion of their property in that manner might interfere with their doubling at a future period. I think from these statements of yours that these things were probably shown to me, and if so, I think that I was quite right in inserting the clause, *which is one of the commonest in Junction cases*. If the North-Western have acted unreasonably towards you under the 'protection they obtained from me, as I gather from your statement they may have to some extent, I am sorry that you should have so suffered; but you must bear in mind that without it you might have acted far more oppressively against them, and that they had fair claim to consideration as the party in possession.

I cannot understand how the clause (or rather proviso) which I inserted rendered you liable to the short distance clause. No provision of relief from it was struck out by me, and by using any of their line when you joined them, you would necessarily become subject to it, without some special enactment. As, however, you state that such was the consequence, I shall be obliged to you for an explanation on that point, as I wish to do you full justice.

I return to town to-morrow, and shall take the earliest opportunity of withdrawing the serious charge I brought against you on the misapprehension stated in this letter.

I am, Sir,

Your obedient servant,

REDESDALE.

To R. S. FRANCE, Esq.

“PERSONAL EXPLANATION. MR. FRANCE.

“Lord REDESDALE said he had received a communication from Mr. France which removed a great deal of the objectional matter of which he had to complain when last he troubled their Lordships upon this subject. It appeared that he and Mr. France had been speaking of different Bills, and accordingly he desired now openly and publicly to withdraw the charge relating to one of these measures which he had made against that gentleman. As regarded the other, it came before him as an unopposed Bill, and of course he dealt with it as such. The clause which he introduced was the commonest of all clauses, and the restriction which it imposed was simply upon taking any other lands of the railway company than were required for the purpose of making the junction. The wording of that clause had not been stated with perfect accuracy in the pamphlet, but Mr. France would take the proper steps to remove any false impression which might have been created.”—*Times*, Feb. 16, 1867.

GRESHAM CLUB,
16th February, 1867.

MY LORD,

I have deferred till this morning my reply to your Lordship's letter of Thursday. I wished to see by this morning's papers the terms in which your Lordship would withdraw the unfounded charge which you had made against me, viz., that I had circulated a pamphlet which, as a matter of fact, *was false from beginning to end*. I regret, my Lord, to state that, as affecting my truthfulness, it is scarcely a withdrawal at all. Your statement that you withdraw *one* charge is, by implication, an inability to withdraw the remainder. Had I been ordered before the Bar, I should have had a chance of entirely clearing myself from your Lordship's unjust accusation, but I am now really in a worse position than before, because in your withdrawal the half reiterating language you use leaves it quite a matter of doubt how far I have been able to prove, and you to disprove, the serious charges I made in my pamphlet.

According to the *Times* of this morning, your Lordship stated you had received a communication

from me, which "*removed a GREAT DEAL of the objectionable matter,*" of which you complained. Again, you "*withdraw the charge relating to ONE of those measures.*" You say I had not stated in my pamphlet a certain clause with "*PERFECT accuracy,*" when as a matter of fact, I really made no quotation at all from the clause, and you wind up by saying that "*Mr. France would take the proper steps to remove any FALSE impression which might have been created.*" My Lord, may I ask on whose authority you made all these statements to their Lordships? Certainly not on mine. On the contrary, in reply to your first letter, I stated to you distinctly and plainly, that I declined to retract anything, and here am I now a week under a charge altogether untrue, and incapable of proof, and the only sort of withdrawal is a statement in a place where I cannot be heard, and which statement is an entire misleading of their Lordships.

I can quite understand that your Lordship, on a second thought came to the conclusion, that instead of taking me before the Bar, it would be better to enter into a correspondence; and, if after writing me thirteen sides of note paper, you had made a graceful retraction, I should have considered your Lordship had acted wisely in settling the matter in that way. I will go still further and say, that although I at first intended to publish this correspondence, yet, as your second letter manifested an apparent desire for information, you at once disarmed me, and I informed my friend, Dr. Keate of Shrewsbury (who kindly came up to stand by me while I went through the ordeal of the Bar), that if your withdrawal in the House of Lords was sufficient to entirely restore my character, I would not, under such a withdrawal, even publish this correspondence.

My Lord, as you have chosen to uphold the "*privilege*" of your Lordship's House, not by ordering me before the Bar of the House, but by making an explanation—for which you had no authority—you

leave me no alternative, than to tell you, that instead of my pamphlet *being false from beginning to end*, it is absolutely and entirely true, from the first page to the last.

When your Lordship threatened to have me before the Bar there were two courses open to me. One was to say—my Lord, I am ready to go there—the other was to write firmly but respectfully to your Lordship, pointing out where you were wrong. I chose the latter as being the more courteous, and even put myself to considerable trouble to hunt up and forward to you documents in proof. My Lord, I begin to think I adopted the wrong course, for not only have you not made a handsome withdrawal, while the door was open for you to do it, but you have been deluging me (whom you had so denounced and threatened) with a daily correspondence, almost every word of which is, as a matter of fact, entirely incorrect, and which had nothing whatever to do with the charge I brought against your Lordship. If, as your Lordship stated in one letter, you have been making extracts from the journal of the House, this case certainly does reveal a system of Railway Legislation of an absolutely ludicrous character. The details of your Lordship's last letter are to me so utterly unaccountable, that it is not worth my time to review them. I notice that whereas your Lordship first indignantly denied having inserted that clause, you now claim a right to do it; so that it really comes to this,—that notwithstanding a Committee of the House of Commons has patiently heard a case on the merits from beginning to end, and given their decision—also after a Committee of the House of Lords has been empanelled, and partially heard the case—the opponents of the Bill are to be at liberty to rise from their seats, tell the five noble Lords that they withdraw from all opposition, and then, at the right moment, send a Parliamentary Agent to your Lordship and obtain from you everything they wanted, even if, as in

this case, it really amounted to a practical reversal of all that had taken place during the previous stages of the enquiry. My Lord, as a matter of courage, I admire your Lordship for saying that you have a right to do this, but it scarcely accords with your first denial of having done it.

Your Lordship in one paragraph makes an appeal in support of your character during a "*long course of years.*" My Lord, throughout this entire correspondence I have made no imputation on your personal honour; but I have for some time come to the conclusion that a judge with a determined bias may really cause more mischief than even one who is actuated by corrupt motives. And when you say you have discharged your duties to the "*satisfaction of the public,*" it is open to me as one of the public to dissent from that view. I think the public *generally* consider that it was anything but a judicial act for a legislative judge to write to the newspapers in favor of one side, when as a judge he is supposed to hear two sides. I think very few can come to any other conclusion than that the judge became lost in the advocate. But the general public necessarily only take an outside view of the case, and inasmuch as during the last few years I have paid out of my own pocket upwards of £40,000 for Parliamentary expenses alone, I may perhaps be considered somewhat of an authority on a matter so deeply affecting the internal prosperity of the country. Doubtless, almost the entire body of Parliamentary agents *would* give your Lordship any good character you may ask for. They would be ungrateful indeed if they refused it, looking to the splendid fortunes that some of them have made through the hedge of thorns which your Lordship has year by year been planting in the path of those who not only employ thousands of the working classes, but also carry railways into districts which the great companies trifled with for nearly twenty years.

One of the last of these thorns which you planted was the alteration of the clause relating to the Parliamentary deposit. I do not know how far your Lordship is responsible for the original standing order which, in the most absurd manner, locks up the money of contractors, while, at the same time, they want it to pay their navvies' wages and their ironmasters' bills for rails; but if that was contrary to sound policy, your Lordship has just done all you can to make it even more irritating by giving it a partial application—the partiality being exercised in favour of the great companies. I stated in my pamphlet that the London and North-Western have in Parliament this Session a Bill for a fighting line to Sheffield and which line is (according to the *Railway Times*) to cost that company upon their own estimates, £83,000 per mile. Your Lordship has now altered the standing order, so that that Company can apply to Parliament for sanction to this costly undertaking, without having to pay one farthing of Parliamentary deposit, while if I want to make a Branch Railway to one of the quarries I lease under Lord Powis, I must pay down and have locked up eight per cent. of the capital before I can be allowed Parliamentary sanction to that which alone can enable me to develop a valuable property inaccessible without a railway. Comparing these two cases, stated on existing facts, I think one cannot but be struck with the force of the proverb which, as regards your Lordship's legislation, says—“*One man may steal a horse while another may not look over the hedge.*” It is idle to say that *their* revenue and *our* deposit will secure the construction of the line, because your Lordship knows very well that what *one* Act of Parliament has done *another* Act can undo, and if by carrying this line in Parliament the North-Western can force the three companies they are thus attacking into surrendering some of their valuable traffic, you will have the North-Western coming some fine

morning next Session, and telling Parliament that having arranged matters with their neighbours it is desirable on *public* grounds that they should be released from that expenditure, which, under the altered circumstances, would be a waste of their Shareholders' money! My Lord, in thus favoring the great Companies and subjecting the smaller ones to every conceivable cost and annoyance, has it never struck your Lordship that a great many of the pecuniary difficulties which some of the smaller Companies are now labouring under, have arisen mainly through your Lordship's own legislation? If such a thought ever *has* struck you, nothing could be more heartless than the fact that having tied a millstone around their necks, you should pursue your attacks by rushing into the newspapers to endeavour to write them down, heading your letters with the extremely offensive epithet "BANKRUPT RAILWAYS!" As of course in reality this means the Contractors, I need not characterise the spirit with which a Peer of the Realm must be endued, when amidst the throes of a financial panic, instead of sympathising with them, he thus speaks of the great employers of labour in this country. Heartless, my Lord, as this was it could not be more so than your recent conduct. Having under the "*privilege*" of your Order made an entirely false charge, and one which you saw you could not sustain, you have been found destitute of that moral courage which would inspire you to withdraw it frankly and unreservedly.

With reference, however, to your Lordship's threat of ordering me before the Bar, I cannot say what may be the views of the noble Lords who constitute your Lordship's House, but it appears to me that, instead of ordering before the Bar one who has only told the truth, the *proper* parties to be ordered before the Bar are the Chairman and Directors of the London and North-Western, and their solicitor, Mr. Blenkinsop, who instructed Counsel to make this sham withdrawal,

and thus impose upon the five noble Lords who formed the Committee. Until your Lordship so informed me, I was not aware that I was strong enough to "*oppress*" the London and North-Western Company; but if some noble Lord would take this case up, and bring the representatives of that great Company face to face with me in a Committee-room, I really should like to turn one of their new weapons against them, and ask for the Parliamentary costs attendant upon two enquiries by the Legislature into the fact whether or not we ought to have a siding in which to put a coal train, after we had taken the trouble to convey it from Mold to Denbigh.

If such a Committee were granted, I think it would also be a fair matter for enquiry whether your Lordship really has the power you claim, of inserting hostile clauses after hostility is formally withdrawn. To men who, like myself, have large sums of money to provide, it becomes a matter for grave consideration whether your Lordship can, by a stroke of single-handed legislation, lock up (as in this case) more than a quarter of a million of money.

My Lord, I have now to close this correspondence by respectfully declining to continue it any further. The question, whether the traffic of the country is to be impeded, is too momentous a one to be settled by your Lordship writing one letter, and I another, in order to decide whether the few square feet our rails would occupy at a junction, ought to form the maximum of accommodation to which we are entitled. As I publish this correspondence, your Lordship also will be able to avail yourself of the same channel, and I have therefore the honor to remain,

My Lord,

Your Lordship's most obedient Servant,

R. S. FRANCE.

THE RIGHT HONORABLE

LORD REDESDALE.



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